

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

LUIS MELENDEZ,	)	
	)	
Petitioner	)	
	)	
v.	)	CAUSE NO. 3:05-CV-699 RM
	)	(Arising from 3:04-CR-106(01)RM)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

OPINION AND ORDER

Luis Melendez moves this court to grant him in forma pauperis status for his appeal, as well as an order allowing him to amend his § 2255 petition. Mr. Melendez's application for in forma pauperis status is in good order, and the court finds that it should be granted. However, Mr. Melendez's motion to amend his § 2255 motion can only be read to request the court for permission to file a second § 2255. This court is not authorized to grant such requests; Mr. Melendez must file his motion with the court of appeals. Rule 9 of the Rules Governing Section 2255 Proceedings for the United States District Courts ("Before presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion.")

Therefore, Mr. Melendez is GRANTED in forma pauperis status for his appeal [Doc. No. 47], but his motion to amend is DENIED [Doc. No. 48].

SO ORDERED.

ENTERED: February 10, 2006

/s/ Robert L. Miller, Jr.  
Chief Judge  
United States District Court

cc: L. Melendez  
D. Schmid  
Court of Appeals